

STATE OF MICHIGAN  
COURT OF APPEALS

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WHITE CHAPEL MEMORIAL ASSOCIATION  
PARK PERPETUAL CARE TRUST,

UNPUBLISHED  
October 6, 2005

Plaintiff-Appellant/Cross-Appellee,

v

No. 254597  
Oakland Circuit Court  
LC No. 03-052017-CZ

RICHARD PERNAL,

Defendant/Cross-Defendant-  
Appellee,

and

ST. NICHOLAS GREEK ORTHODOX CHURCH  
OF DETROIT,

Intervening Defendant/Cross-  
Plaintiff-Appellee/Cross-Appellant.

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Before: Hood, P.J., and White and O'Connell, JJ.

WHITE, J. (*concurring*).

I agree that the decision in *St Nicholas Greek Orthodox Church of Detroit v Pernal (St Nicholas II)*, unpublished opinion per curiam of the Court of Appeals, issued June 9, 2005 (Docket No. 252968), resolves the issue whether the circuit court erred in granting summary disposition to intervening defendant St. Nicholas.<sup>1</sup>

I also agree that plaintiff White Chapel was not itself entitled to summary disposition based on its June 10, 2003 response to Pernal's attorney's letter,<sup>2</sup> which stated:

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<sup>1</sup> While St. Nicholas urges us to revisit the merits of the issue, that review should be left to the Supreme Court.

<sup>2</sup> That letter read:

(continued...)

White Chapel Memorial Association Park Perpetual Care Trust hereby offers your client, Richard J. Pernal, the sum of nine hundred thousand dollars (\$900,000) cash for the premises know as 4081 Finch and, more particularly, described as attached hereto [a legal description was attached], no conditions, no contingencies related to zoning and 180 days post closing occupancy rent free.

Please call Mr. Krall as soon as possible concerning this offer.

/s/ Helene N. White

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(...continued)

I have discussed this matter with my client. I should indicate that we did receive other offers on the property.

After discussion with my client, he has advised that he is offering the property for \$825,000 cash/mortgage, "as is", with no conditions, no contingencies related to zoning and 120 days post closing occupancy for the present tenants. This offer will remain open for 2 weeks' time.

I will be available tomorrow morning between 9:30 and 11:00 a.m. to discuss same.